

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANNETTE HORNSBY,
Plaintiff,

v.

LITTON LOAN SERVICING, ET AL.,
Defendants.

No. C 10-04928 JSW

**ORDER DISMISSING ACTION FOR
LACK OF JURISDICTION**

On June 24, 2011, the Court issued an Order to show cause (“OSC”) why this matter should not be dismissed for lack of jurisdiction in light of the fact that Plaintiff sued non-diverse defendants and her only federal claim appeared to be time barred. The Court provided Plaintiff an opportunity to address what facts, if any, she could allege that would support the tolling of the statute of limitations on her federal claim. In her response to the OSC, Plaintiff states that upon further investigation, she discovered that three of the defendants actually have their principal place of businesses outside of California. She thus argues that there is complete diversity between her and the defendants. However, in addition to the three defendants Plaintiff addresses in her response to the OSC, Plaintiff also names New Century Mortgage Corporation and Merchant Electronic Registration Systems, Inc.. She alleges that both of these defendants have principal places of business within California. Therefore, there is not complete diversity. Plaintiff does not argue that

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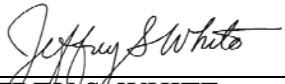
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1 this Court has jurisdiction based on federal question. Accordingly, the Court is dismissing this
2 action for lack of jurisdiction. A separate judgment shall issue and the Clerk shall close the file.

3 **IT IS SO ORDERED.**

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5 Dated: November 4, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANNETTE HORNSBY,
Plaintiff,

Case Number: CV10-04928 JSW

CERTIFICATE OF SERVICE

v.

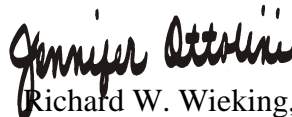
LITTON LOAN SERVICING et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 4, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Annette Hornsby
2319 Benington Drive
Vallejo, CA 94591

Dated: November 4, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk